



File number : 05703876.2

13.01.07

Final Instructions

for closing an application (loss of all rights).

FINDING:

1. ☒ No use has been made of any of the legal remedies available.
☒ The decision refusing the: appeal / application for reestablishment of rights / request for further processing has become final.
2. ☐ The application will not be dealt with as a European patent application (Rule 39 EPC).
☐ The decision refusing the application has become final.
☒ The application is deemed to be withdrawn.
3. Form 1320 has been dispatched (if necessary).
4. The return of Form 1320 is to be controlled by coding "BEEF".

The Hague, 15-01-2007

Di Miceli, Giuseppe
.....
(Formalities Officer)**FINDING:**

5. Checked with regard to costs; where applicable, refund ordered (RFAO).

INSTRUCTIONS:

6. ADWI(3) or REFU(3) and DEAD have been coded.

The Hague, 15-01-2007

Di Miceli, Giuseppe
.....
(Formalities Officer)



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Date

04-10-2006

Reference	Application No./Patent No. 05703876.2 - 2308 PCT/JP2005000648
Applicant/Proprietor OTSUKA PHARMACEUTICAL CO., LTD.	

Noting of loss of rights pursuant to Rule 69(1) EPC

The European patent application cited above is deemed to be withdrawn (Rule 108(1) EPC) for the following reason(s):

- a) ☒ translation of the international application into one of the EPO's official languages (Art. 158(2) EPC) not filed within the period specified in Rule 107(1)(a) EPC
- b) ☒ national basic fee
☒ search fee
☒ designation fee
☒ examination fee and/or written request for examination
not validly paid / not made within the time limit specified in Rule 107(1)(c)-(f) EPC
- (c) ☐ payment of the above fees on, after expiry of the period for payment (on 28.08.06).

MEANS OF REDRESS:

1. The loss of rights [(a)(b)] shall be deemed not to have occurred if, within a (non-extendable) period of **TWO MONTHS** of notification of this communication, the relevant requirement(s) has (have) been fulfilled and the appropriate surcharge(s) under Article 2(3b)(3c) RFees have been paid (Rule 108(3) EPC).
If fees were paid late [(c)], the requirement(s) as specified in Article 8(3)(4) RFees is (are) to be fulfilled within the same time limit.
2. If, however, the applicant considers that this finding is inaccurate, he may apply in writing for an EPO decision on the matter (Rule 69(2) EPC) within the same time limit, i.e. that specified in (1). The finding will be set aside only if it does not actually correspond to the factual or legal situation.
The applicant's rights with regard to fee payment or filing the written request for examination cannot be re-established under Article 122 EPC.
3. If, in spite of all due care required by the circumstances having been taken, the applicant was unable to **observe the time limit for filing the translation**, he will, upon application, have his rights re-established provided that the time limits and formal requirements laid down in Article 122 EPC are complied with.

Registered letter

EPO Form 1205A 01.02 ADWI 2



Date

Sheet 2

Application No. 05703876.2

NOTE:

Applicants not having either a residence or principal place of business within the territory of one of the EPC contracting states must have the above request under Article 122 EPC or Rule 69(2) EPC filed by a professional representative authorised to act before the EPO.

RECEIVING SECTION

Enclosure: Schedule of Fees



Gebühren für in die europäische Phase eintretende internationale Patentanmeldungen in EURO geltend ab 01.04.06 *
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<p>Nationale Grundgebühr / National basic fee / Taxe nationale de base:</p> <p>Das Formblatt für den Eintritt in die europäische Phase (EPA Form 1200) wird <u>auf Papier</u> eingereicht: The form for entry into the European phase (EPO Form 1200) is filed <u>on paper</u>: Le formulaire d'entrée dans la phase européenne (formulaire OEB 1200) est déposé <u>sur papier</u>:</p> <p>Das Formblatt für den Eintritt in die europäische Phase (EPA Form 1200) wird <u>online</u> eingereicht: The form for entry into the European phase (EPO Form 1200) is filed <u>online</u>: Le formulaire d'entrée dans la phase européenne (formulaire OEB 1200) est déposé <u>en ligne</u>:</p>	<p>170,00 (160,00) ***</p> <hr/> <p>95,00 (90,00) ***</p>
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* = Siehe Beschluss des Verwaltungsrats vom 15.12.05 (ABI 1/2006, 8)
See Decision of the Administrative Council of 15.12.05 (OJ 1/2006, 8)
Voir Décision de Conseil d'administration du 15.12.05 (JO 1/2006, 8)

** = Siehe ABI 3/2006
See OJ 3/2006
Voir JO 3/2006

*** = Anwendbar für Zahlungen eingegangen bis 31.03.06
Applicable for payments received up to 31.03.06
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